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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,567	01/06/2006	Shigeru Nemoto	KITO8.001APC	3671
20995 7590 07/09/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER CAMPBELL, VICTORIA P				
ART UNIT		PAPER NUMBER		
3763				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

### Office Action Summary

**Application No.**

10/563,567

**Applicant(s)**

NEMOTO, SHIGERU

**Examiner**

VICTORIA P. CAMPBELL

**Art Unit**

3763

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7,9,10,13-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-7,9,10,13-15 and 21 is/are allowed.
- 6) ☒ Claim(s) 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/9/06 4/9/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the second Office Action based on the 10/563567 application filed January 6, 2006. Claims 1, 2, 4-7, 9, 10, 13-15, and 17-21 as amended are currently pending and considered below.

#### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on May 9, 2006 and April 9, 2008 are being considered in their entirety by the examiner.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPGPub 2001/0021823 A1 to Nemoto in view of USPN 5,714,232 to Reilly et al.

5. Regarding the above claims, Nemoto discloses the following:

17. A liquid injection system (Fig. 13) comprising: a first liquid syringe (Fig. 13, #20) comprising a cylinder member (Fig. 13, #21) and a piston member (Fig. 13, #23) slidably inserted into the cylinder member; and a liquid injector (Fig. 13, #10) comprising a cylinder holding mechanism (Fig. 13, #11) for receiving the cylinder member of the liquid syringe mounted removably thereon, and a piston actuating mechanism (Fig. 11, #12, also shown but not labeled in Fig. 13) for moving the piston member relative to the cylinder member when the cylinder member is held by the cylinder holding mechanism [...].

18. [...] wherein the cylinder holding mechanism (Fig. 13, #11) comprises: a pair of left and right movable holders (Fig. 19, #116), each having an arc-shaped groove defined in an inner surface (Fig. 19, seen as the dotted line in movable holder #116), the grooves of which are removably engaged by a cylinder flange (Fig. 19, #122) of the liquid syringe; and a holder pivot support mechanism (Fig. 19, #117) for pivotally supporting each of the movable holders for vertical angular movement between an open position in which the movable holders are open upwardly for allowing the cylinder flange to be inserted into the grooves and a closed position in which the cylinder flange is retained from left and right sides by the grooves (See Figs. 19a and 19b).

6. Nemoto does not appear to explicitly disclose a mount-detecting means or switch on the liquid injector, nor does he describe a contact-transfer member on the adaptor.

However, regarding claim 17, Reilly et al discloses the following:

17. [...] wherein the liquid injector further comprises mount-detecting means for detecting contact and separation of the cylinder member when the cylinder member is mounted on and removed from the cylinder holding mechanism, respectively (Fig. 2, #72).

Nemoto and Reilly et al are analogous art because they are from the same field of endeavor/problem solving area of automatic injection syringes. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Nemoto and Reilly et al before him or her to modify the liquid injection system of Nemoto to include the detection switch of Reilly et al because the detection switch of Reilly et al can not only be used to confirm the presence of a syringe, but also to detect particulars about its contents (Reilly et al, Col. 6, 35-41). Therefore, it would have been obvious to combine Nemoto with Reilly et al to obtain the invention in the instant claims.

***Allowable Subject Matter***

7. Claims 1, 2, 4-7, 9, 10, 13-15, and 21 are allowed.
8. Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

2. The objections to the drawings, specification, and claims are hereby withdrawn in light of the amendment submitted April 9, 2008.
3. Applicant's arguments filed April 9, 2008 have been fully considered but they are not persuasive. Regarding applicant's argument that Nemoto and Reilly et al do not disclose all the limitations of claims 17 and 18, the examiner respectfully disagrees and draws the applicant's attention to the above rejection.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTORIA P. CAMPBELL whose telephone number is (571)270-5035. The examiner can normally be reached on Monday-Thursday, 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Victoria P Campbell  
Examiner, AU 3763

/Nicholas D Lucchesi/  
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